

## **DISTRICT ADVISORY BOARD (DAB) I**

### **MEETING MINUTES**

**Monday, January 5, 2009**

**6:30 p.m.**

**Atwater Community Center, 2755 E. 19<sup>th</sup>, Wichita, Kansas 67214**

#### **Members Present**

Council Member Lavonta Williams  
Treatha Brown-Foster  
Gerald Domotrovic  
Lori Lawrence  
Debra Miller-Stevens  
Janice Rich  
Steve Roberts  
James Thompson  
Janet Wilson  
Benjamin Stiff

#### **Guests**

Bob Kaplan, 430 N. Market  
Beverly Domotrovic, 1219 GW Drive  
John Stevens, 3125 E Boston  
Joyce H Jenison, 7409 Brookview  
Mr. Bryant, 1710 E Morris  
James Roseboro, 4518 Greenbriar  
Donna Sovell, 3110 E 1<sup>st</sup> N  
Gertrude Caldwell, 1217 N Estelle  
James Wilson, 1114 N Estelle

#### **City of Wichita Staff Present**

Bill Longnecker, Planning Department  
Kurt Schroeder, Office of Central Inspection  
Officer Kimble, Beat 47, Wichita Police Department  
LaShonda Porter, Neighborhood Assistant

### **Order of Business**

#### **Call to Order**

**Council Member Williams** called the meeting to order at 6:33 p.m. and welcomed the guests.

#### **Approval of Minutes**

**Miller-Stevens (Brown-Foster)** made a motion to approve the minutes as submitted. Motion carried **9:0**

#### **Approval of Agenda**

**Roberts (Lawrence)** made a motion to move items 6 and 5 before the public agenda and then continue with the agenda as printed. Motion carried **9:0**

**CM Williams** stated that the agenda was being changed due to the need to get the presenters to another DAB meeting. **CM Williams** thanked everyone for coming and asked that if anyone chose to speak that they state their name and address for the record.

### **New Business**

#### **1. Club Ordinance – “Draft”**

**Kurt Schroeder, Superintendent Office of Central Inspection**, presented information on the proposed draft club ordinance. **Schroeder** noted that I am a member of a team established to look at this ordinance including entertainment and drinking establishments and after hour clubs.

**Schroeder** noted that incidents from the summer generated some concerns and reasons for this proposal. He noted that Deputy Chief Stolz met with neighborhood groups, club owners and the community to get their feedback on the proposed changes. During 2008, the Police Department observed an increase in violence in and around cabarets (live entertainment), dance halls, as well as businesses which sell alcohol and are licensed as drinking establishments or drinking establishment's restaurants.

In addition, some of these establishments are located in close proximity to residential neighborhoods. As a result the department received many complaints related to disturbances, intoxicated individuals, loud noise, and urinating in public involving patrons of these

establishments. Community concern peaked when acts of violence involving deadly weapons were associated with some of these venues. Significant police resources have been expended in dealing with these types of complaints.

As a result an internal and external focus group was implemented to look at these issues and make recommendations to executive staff pertaining to dance halls and cabarets, as well as establishments selling cereal malt beverage and alcoholic liquor. Those focus groups completed their work in August of 2008.

**Schroeder** highlighted some of the major changes of the ordinance which included:

- ❖ Creation of a single license for an Entertainment Establishment as opposed to separate dance hall and/or cabaret licensing.
- ❖ Require Entertainment Establishments to provide and post the names of all on site managers.
- ❖ Require Entertainment Establishments to maintain adequate security personnel as determined by the Chief of Police at time of license application.
- ❖ Require that Entertainment Establishments managers maintain the peace and appropriate control of patrons and/or invitees both upon the licensed premises as well the surrounding vicinity such as parking lots, sidewalks, and waiting areas.
- ❖ Requiring a distance of at least 300 feet between residential zoning and all newly license Entertainment Establishments that sell alcoholic liquor or cereal malt beverage for consumption on the premises.
- ❖ Expands the distance between any newly licensed Tavern and any church school, or residential zoning district to be at least 300 feet.
- ❖ Requires new Drinking Establishments or Drinking Establishment/Restaurants to submit a business plan and receive Crime Prevention through Environmental Design/CPTED inspection.
- ❖ Requires both Drinking Establishments and Entertainment Establishments to close at the same time, which is 2:00 a.m.

**Schroeder** also noted that other issues that have occurred include: 1) current ordinance provides few options or regulations for private parties; 2) identifying who the responsible party is; 3) the six month period that Police have to allow before they can audit the facility to ensure they are meeting the food vs. alcohol sales percentages.

**Schroeder** advised that the team came up with a single ordinance to address all these issues. The proposed ordinance would:

- ❖ Allow the Police Department to audit the facility after 2 months.
- ❖ A business plan will be required as part of the application process.
- ❖ 200ft requirement would be increased to 300 ft in residential zoning districts, near churches, parks and schools.
- ❖ CPTED requirements would need to be reviewed and met.
- ❖ All on site managers would have to attend 4-hour training by Police.
- ❖ All facilities would be closed by 2 a.m. and stop serving alcohol 30 minutes prior to closing.

**Brown-Foster** wanted to know the age range for the teen clubs. **Schroeder** advised that this was new to the ordinance and the age range was 13-20. **Brown-Foster** stated that she would like to see the age changed to 13 – 18.

**Myles** wanted to know if a spouse over the age of 21 could enter the teen club. **Schroeder** advised yes.

**Thompson** wanted to know how many strikes a facility could incur before their license was pulled. **Schroeder** advised that the Chief of Police has the authority to pull the license immediately.

**Stiff** commented that more specifics are needed on expectations and roles of each party. He stated that the ordinance was too general and did not explicitly identify the role of the facility owners and the role of the Police. He also wanted to know if training for the security personnel had been discussed.

**Miller-Stevens** advised that the ordinance was blurry on who will enforce the ordinance.

**Schroeder** advised that Police and OCI are the primary departments to sign off on the license. He noted that OCI was primarily involved in zoning and the fire and building safety inspection and that they work closely with Police during this process.

**Wilson** wanted to know if they had coordinated their efforts with the nuisance ordinance – to make that ordinance more robust. **Schroeder** stated the Chief of Police would have more authority in this proposed ordinance.

**Brown-Foster** wanted to know who was responsible for clearing the parking lot and hanging out that occurs after the facility closes. **Schroeder** advised that the owner is responsible for clearing customers off of their property.

**Brown-Foster** followed up with a question regarding the event center wanting to know why it is being included in the proposed changes. **Schroeder** advised because many of the problems come from these types of facilities.

**Thompson** advised that he did not see mention of notification to the Neighborhood Associations affected by this process added to the ordinance. **Schroeder** advised that would occur in the zoning process and they have not made the updates to zoning ordinance as of yet.

**Domotrovic** wanted to know how managers were expected to keep 21 year olds out of the teen clubs. **Schroeder** responded that they should be asking for identification (school ids).

**Domotrovic** followed up with an additional question regarding due process and how it was handled. **Schroeder** advised that the court was the due process, and they also had a right to an appeal before the City Council.

**Lawrence** wanted to know if the curriculum for the 4-hour training had been created. **Schroeder** advised that curriculum had not been fully developed but Police were working through the details.

**Brown-Foster** wanted to know if they worked with the Sheriff's department to address issues that fall into the county. **Schroeder** advised that the zoning ordinances would include county properties, but the alcohol ordinance is a city ordinance.

**CM Williams** noted that several departments have been included in this review process including Law, Office of Central Inspection, Police and herself.

**John Stevens, 3125 E Boston** wanted to know if the events center concept included taking drinks from one bar to the next. He stated that if so he was against that concept. He also suggested that the distance away from residential, churches, parks and schools be increased greater than 300 ft – a minimum of 500 ft should be required.

**AJ Bryant, 1710 E. Morris** wanted to know how several issues would be addressed; 1) patrons who assemble in the streets after they have been cleared from the owners property; 2) how the 3 strike rule would work – was it based on all calls to the Police – including calls made by the owners; 3) and how this impacts drinking establishments only.

**Schroeder** advised the streets are not the responsibility of the property owners and that the Police want the owners to contact them when they have issue. He noted that the intent for some of the upfront changes such as the training, the CPTED requirement is so that the Police can build a relationship with the owners so they can work through issues that may occur at their facilities.

**CM Williams** added we need to speak with the Chief of Police to get a firm answer on how the strikes will be added up.

**James Wilson, 1114 N Estelle** wanted to know why the ordinance was specific to schools and churches – as they are not in session during the hours of operations of these types of facilities. **Schroeder** advised that this has been state law in the past and it is in the zoning ordinance today.

**CM Williams** added that we just attended a meeting and the church verified that they have meetings at night at this was a safety concern for them.

**James Roseboro, Wichita Independent Neighborhoods** advised that they were not given an opportunity to review the ordinance changes before it came to the DAB and the President of WIN received a copy a few days before the holiday not having enough time to review and get the information to the membership. **Roseboro** stated that he believed the Police Department owed them an apology as they agreed to allow WIN to be a part of the process. He noted that Neighborhood Associations and WIN should be notified before licenses are approved, records should be audited after 30 days, and that changes in management should trigger a new application.

**CMWilliams** advised that she understood that WIN had provided this information to staff and had been included in the process. She also noted that they were still looking at parking and noise issues. She further advised that this is a draft and should be considered just that a draft.

**Roberts** wanted to know how they would handle the situations of owners calling the Police.

**Wilson** wanted to know under the new ordinance how many license would be required.

**Schroeder** advised two in the Mr. Bryant's case – a liquor license and a dance hall/cabaret license.

**Action Taken: Brown-Foster motion to deny adoption of the ordinance by City Council – until discussed issues from DAB have been reviewed and brought back to DAB for further consideration. Thompson 2<sup>nd</sup> the motion. Motion passed (11:1).**

**2. CON2008-00063**

**Bill Longnecker, Planning Department** provided information on the request for a conditional use permit to allow outdoor vehicle and equipment sales, generally located at the northwest corner at Hillside and 1<sup>st</sup> Street (201 N. Hillside). **Longnecker** noted that bought the site and has paved it for a parking lot . The Office of Central Inspection cited the applicant for constructing the parking lot without a permit. OCI notified the applicant that the parking lot did not meet ADA standards, and that he needed to obtain an approved landscape plan before a building permit would be issued to bring the parking into compliance.

**Longnecker** advised that the applicant proposes to expand the sale of pre-owned cars and light trucks from his current site onto the subject site, which is separated from existing car sales by 1<sup>st</sup> Street. He noted that the subject site currently has a permitted, shared access to Hillside Avenue, a 4-lane arterial street, with the abutting northern property. It also has an existing drive onto 1<sup>st</sup> Street, a two-lane, one-way east urban collector. If approved, the Traffic Engineer requests the dedication of complete access control onto 1<sup>st</sup> Street.

**Longnecker** noted that extending the applicant's car sales lot north, across 1<sup>st</sup> Street does not match the redevelopment patterns of this portion of Hillside Avenue, north of 1<sup>st</sup> Street. Redevelopment north of 1<sup>st</sup> Street, along Hillside, has been a combination of office, medical, retail sales lots, such as the applicant's current car sales lot, are continuous and are not broken by other developments or right-of-way. This proposal is unusual in that it is separated by the applicant's current car sales lots, such as the applicant's current car sales lot, had been previously used for other auto related uses, such as a garage: this site has not.

**Longnecker** noted that planning staff is recommending that the application be denied.

**Lawrence** commented that this was a small parcel for a car lot.

**Wilson** wanted to know how many cars the owner planned on storing on the lot.

**Longnecker** advised he believed 12.

**Bob Kaplan, Agent for the Applicant** provided the Board with a folder including pictures of the site (before/after), deed to subject property, zoning map and plat, purchase of subject property – contract, site plan, and city of Wichita receipt for plan review.

**Kaplan** advised that when his client purchased the property from the City of Wichita he made it cleared on his intent for the property. He noted that when the City deeded him the property they did not make a provision for the current intent and that they were specific with the provisions of the property. **Kaplan** advised that the provisions included: 1) adult book and video stores; 2) community correctional facilities; 3) half-way houses; 4) drug or alcohol rehabilitation facilities; 5) multi-game, casino style gambling facilities; and 6) commercial billboards.

**Kaplan** noted that this did go through the plan review process and they did not require a permit for paving because this was a re-working of an existing parking lot. He noted that his client did not do work without the appropriate authority and provided copies of the receipt from the City of Wichita.

**Kaplan** advised that his client could lawfully use the lot right now to park cars or the Board could approve the request and keep the provisions listed in the staff report – as they are fine with the provisions.

**Longnecker** advised that the Office of Central Inspection notified Mr. Hancock that the plan was not approved – the status of the lot has not met requirements.

**Chris Mullen**, 3110 E. 1<sup>st</sup> Street wanted to know where the alley was that they referred to that is adjacent to the property. **Mullen** also wanted to know how many feet away from the business and adjacent house was the alley. Additionally, how would sales occur – would they conduct the sales at the property across street from the proposed site. **Mullen** further commented that there is a fear that this lot will encroach on the residential area and that Mr. Hancock likes to circumvent the rules.

**Kazplan** responded stating that cars will be on the lot regardless, with the conditional use or not.

**Miller-Stevens** noted that she would abstain from voting.

**Domotrovic** wanted to know what would happen if the Board did not recommend approval. **Longnecker** advised that the site meets the requirement for parking – the difference is how long the vehicle will be stored.

**Thompson** commented that there were too many unknowns about this case.

**Lawrence** commented that Hancock Auto has been great to have as a neighbor; however, she has concern about what could become of this strip in the future if Mr. Hancock was no longer the owner.

**Brown-Foster** wanted to know how long Mr. Hancock's business had been there. **Hancock** advised over 10 years.

**Wilson** wanted to know if he could park there now. **Longnecker** advised that no because the site plan has not been approved; however, once approved then he can park cars there for up to 72 hours.

**Action Taken:** Domotrovic motioned to approve the zoning request with the provisions recommended in the staff report. Brown-Foster 2<sup>nd</sup> the motion. *Miller-Stevens abstained from the vote.* Motion passed (6:3:1) 6 denied; 3 approved; 1 abstained

### **Public Agenda**

#### **3. Agenda Items**

No items submitted.

#### **4. Off Agenda Items**

**Joyce Kennison**, 7409 E Brookview Circle addressed the Board regarding the Inwood Apartment development. **Kennison** advised that she lives within 200 feet of the apartments and she received a letter from LDG informing her that they were going to build 50 more apartments for seniors. **Kennison** stated that they have a huge apartment building just built that is not completed and not fully rented. She urged the Board to reconsider their recommendation of approval for the tax credit for the 2<sup>nd</sup> phase of this project. **Kennison** expressed concern with the completion of the original project and wanted to know why the rush – why they couldn't complete the first project and get it occupied before they opened up another project. She suggested that the Board require

them to complete the first project and require them to get 75% of the facility occupied before Phase II is approved and started. We just want completion of Phase I.

**CM Williams** thanked Mrs. Kennison for brining her concerns forward.

**Action Taken: Receive and file.**

#### **Staff Reports**

**5. Police Report**

**Officer Schwiethale, Patrol South** reported that they worked with the Office of Central Inspection on a club that was trying to open at 612 S Commerce. He noted that through their efforts they were able to keep the club from opening as the building is deemed unsafe.

**Officer Kimble** advised that it was rumored that a club was opening at 1002 E 9<sup>th</sup>. **Kimble** reported that no permits had pulled at this time. He also noted that there was a shooting at Quik Trip at 13<sup>th</sup> & Oliver – the shooting occurred over a female and the suspect turned himself in. He advised that the investigation is pending.

**Kimble** also reported that 3 drive bys had occurred at 2331 N Poplar. He noted that an aggravated assault occurred at 4502 E Greenbriar and the two individuals shot at the resident and drove off. **Kimble** reported that no other incidents like this occurred again in the neighborhood or other areas of the city.

**Kimble** also reported a drug house at 1734 E 23<sup>rd</sup> Street. **Kimble** advised that they removed narcotics and cash and that charges are pending.

The **Board** thanked the Officers for their report.

**Action Taken: Receive and file.**

**6. Fire Report**

**Mike Gonzalez, Fire Department** presented information on the fires in District 1. He advised that there have be 24 fires and 549 EMS rescue alarms. He noted that he did not have the current report for incidents in December, but he believes there were only 2 fires with approximate damages of \$1,000.

**CM Williams** wanted to know if the McAdams Park fire was still unsolved. **Gonzalez** advised that he did not have any information on that fire.

**Miller-Stevens** wanted to no if the fires were happening in one specific area of District 1. **Gonzalez** advised no.

**Action Taken: Receive and file.**

#### **Board Agenda**

**7. Updates, Issues, and Reports**

With no further business, **Miller-Stevens(Roberts )** made a motion to adjourn. Motion carried **12-0**. The meeting adjourned at 9:10 p.m.

Respectfully Submitted,  
LaShonda Porter  
Neighborhood Assistant